

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

John Douglas Alexander,)	C.A. No. 6:19-215-HMH-KFM
)	
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
Bryan Stirling, Director; B. McGee,)	
Responsible Official; Charles Williams,)	
Warden; Kurt Stevens, Agent;)	
M. Barker, Disciplinary Hearing Officer;)	
and The South Carolina Department of)	
Corrections,)	
)	
Defendants.)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

Magistrate Judge McDonald recommends denying Plaintiff John Douglas Alexander's ("Alexander") motion "for mandatory injunction and restraining order." (R&R, generally, ECF No. 48.) Alexander filed no objections to the Report and Recommendation. In the

absence of objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

As an initial matter, it appears that Alexander’s request for injunctive relief is moot because he has been moved from McCormick Correctional Institution to Perry Correctional Institution. (Not. Change Address, ECF No. 76.) See Magee v. Waters, 810 F.2d 451, 452 (4th Cir. 1987) (“Because the prisoner has been transferred, his request for injunctive relief is moot.”). However, to the extent that the request is not moot, Alexander’s motion fails on the merits for the reasons set forth in the Report and Recommendation. Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McDonald’s Report and Recommendation and incorporates it herein. Based on the foregoing, the court denies Alexander’s motion for mandatory injunction and restraining order. This matter is recommitted to the magistrate judge for further proceedings.

It is therefore

ORDERED that Alexander’s motion for mandatory injunction and restraining order, docket number 27, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
April 30, 2019

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.